

CITY OF LAKE QUIVIRA KANSAS  
OPEN RECORDS ACT POLICY

BACKGROUND

On January 1, 1984, the Kansas Legislature declared it to be the public policy of the State of Kansas that public records shall be open for inspection by any person, unless otherwise provided by federal law, state statute or rule of the Kansas Supreme Court. The right to inspect public records carries with it the right to make copies of those records.

A public record is defined as "any recorded information, regardless of form or characteristics, which are made, maintained or kept by or is in the possession of any public agency" KSA 45-217(g)(1). The Kansas Open Records Act requires cities to appoint a Local Freedom of Information Officer. The Local Freedom of Information Officer is responsible for the design and construction of a brochure that lists the "rights, responsibilities, and procedures for requesting records."

This Policy Statement establishes the policy and procedures as defined by Kansas Open Records Act, appoints the Freedom of Information Officer in compliance with the Kansas Open Records Act, and establishes a fee structure for providing city records.

POLICY

1. It is the policy of the City of Lake Quivira that all public records which are maintained, kept by or are in the possession of the City, its officers and employees, shall be open for public inspection as provided by, and subject to, the Kansas Open Records Act. Some public records are mandatorily closed by federal law, state statute, or Supreme Court Rule. These types of public records must be closed. The record custodian has no discretion as to whether to provide copies or access. KSA 45-221(a) and amendments thereto, lists types of public records that are not required to be disclosed. A public agency has discretion and may decide whether to make these types of records available.
2. Upon written request, any person shall have access to all open public records, and is entitled to inspect and copy those city records that are in the possession of the official records custodian or his/her assigned representative.
3. The official records custodian must act upon any request for inspection of any open public records that are in his/her possession as quickly as possible but has until the

end of the third business day to act upon these requests. If a response to a request is delayed, a written explanation will be provided by the records custodian. There may be delays responding to requests for information for the following reasons:

- a. Additional information is needed in order to retrieve the records.
  - b. Time to allow for a formal legal review prior to the records being released.
  - c. Requested records are archived or stored off site.
  - d. The volume of records requested is large and will take time to duplicate.
4. In addition, a request may be denied in whole or part for the following reasons:
- a. The requested record does not exist.
  - b. The request is a prospective or standing request for “records as they become available.”
  - c. The requested records are exempt from disclosure as per KSA 45-221(a) and amendments thereto.
  - d. The request is unclear and must be submitted with more detail.
  - e. The request places an “unreasonable burden” upon the City or is intended to disrupt the operations of the City (KSA 45-218(e)).

When a request is denied, a written explanation will be provided by the records custodian.

## PROCEDURES

1. Freedom of Information Officer
  - a. Appointment. The City Clerk is hereby appointed as the Local Freedom of Information Officer.
    - 1) The City Clerk shall be the custodian for all public records kept and maintained by the City and is charged with the responsibility for compliance with the Kansas Open Records Act with respect to the listed public records.
    - 2) The official custodian is authorized to designate any subordinate officers or employees to serve as records custodian. Such records custodians shall have the duties and powers as are set out in the Kansas Open Records Act.

3) All requests for records related to or requested by a party to ongoing litigation should be forwarded to the City Attorney's office for review.

b. Duties. The Local Freedom of Information Officer or the officer's designee shall:

- 1) Prepare and provide educational materials and information concerning the Kansas Open Records Act;
- 2) Be available to assist the City and members of the general public to resolve disputes relating to the Kansas Open Records Act;
- 3) Respond to inquiries relating to the open records act; and
- 4) Establish the requirements for the content, size, shape, and other physical characteristics of a brochure required to be displayed or distributed. In establishing such requirements for the content of the brochure, the Local Freedom of Information Officer shall include plainly written basic information about the rights of the requestor, the responsibilities of a public agency, and the procedures for inspecting and copying of public records under the Kansas Open Records Act.

2. Adoption of Kansas Open Record Act Guidelines.

a. The City of Lake Quivira hereby adopts and incorporates the Kansas Attorney General's Kansas Open Records Guidelines written by Michael J. Smith, Assistant Attorney General, revised August 2009 and any subsequent revisions.

3. Research and Document Fees

Any individual or organization requesting a copy of a record or document will be assessed the following fees based upon the costs set forth below:

<b>FIRE</b>	
<b>RECORD</b>	<b>COST</b>
Fire Reports	25 Pages or less - \$4.00 26 + Pages - \$.25 per page

<b>POLICE</b>	
<b>RECORD</b>	<b>COST</b>
Police Reports Includes Offense, Accident, Arrest and Miscellaneous Reports	25 pages or less - \$4.00 26 + Pages - \$.25 per page
Computer Diskette (CD)containing Pictures	\$5.00 per diskette.
Reports – Postage and handling	Actual cost of time, materials, and postage.
CD or DVD – Postage and handling	\$1.00 per diskette.

<b>PUBLIC WORKS DOCUMENTS</b>	
<b>RECORD</b>	<b>COST</b>
Bid Documents and Plan Sets for Public Improvement and Maintenance Contracts	See Photocopy, Map or Plan Fee

<b>RECORDS NOT SPECIFIC TO INDIVIDUAL DEPARTMENT</b>	
<b>RECORD</b>	<b>COST</b>
Photocopies – Black & White or Color (requiring less than 15 minutes of staff time)	\$.25 per page for paper copies and \$.125 per page for electronic copies.
Photocopies , diskette, or other records (requiring 15 minutes or more of staff time)	Fee + actual hourly staff rate charged in 5 minute increments after the first 15 minutes.
Record – Stored off-site	Actual cost to retrieve records from off-site storage.
Computer Diskettes (CD)	\$5.00 per diskette.
Postage and handling	Actual cost of time, materials and postage
Facsimile Transmission	\$.25 per page + actual hourly rate charged in minimum 5 minute increments after the first 15 minutes.
Photograph – Digital Prints (not run on copy paper)	\$5.00 per photo + actual hourly rate charged in minimum 5 minute increments after the first 15 minutes.
Map or Plan – Large (36 x 48 and larger) Black & White	\$ 5.00/copy in electronic or paper form.

Map or Plan – Large (36 x 48 and larger) Color	\$10.00/copy in electronic or paper form.
Map or Plan – Small (less than 36 x 48) Black & White	\$5.00/copy in electronic or paper form.
Map or Plan – Small (less than 36 x 48) Color	\$10.00/copy in electronic or paper form.
<b>RECORD</b>	<b>COST</b>
Aerials (8 ½ x 11)	\$5.00 per sheet + actual hourly rate charged in 5 minute increments after the first 15 minutes.
Research, Compilation and Transfer of Data	Actual hourly rate charged 5 minute increments after the first 15 minutes.
Record Search/Inspection (Staff or staff supervised)	Actual hourly rate charged in minimum 5 minute increments after the first 15 minutes.
Records not identified	Actual cost to reproduce.

- a. Any person requesting public records that are in the possession of the records custodian must complete an official request form, and direct that request to the appropriate custodian. In place of the official request form, the person may make a written request for a record and include certification that the reason for obtaining the record is not for commercial purposes in compliance with a K.S.A. 45-220(c). The City may require written certification that the requestor will not use names and addresses obtained from the records to solicit sales to those persons whose names are contained in the record. KSA 45-202(c)(2).
- b. Because of the time and cost involved in producing some records, the City may require payment in advance as per KSA 45-218(f).

### IMPLEMENTATION

This policy shall remain in force until officially changed by the majority of the council members present and voting; where the number of the favorable votes is one (1) less than required the Mayor shall have the power to cast the deciding vote in favor of the action.